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Application No. 03 754 834.4 - 2211	Ref. 2002P15652WE	Date 18.06.2008
Applicant Siemens Energy & Automation, Inc.		

**Communication pursuant to Article 94(3) EPC**

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(2) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

**of 4 months**

from the notification of this communication, this period being computed in accordance with Rules 126(2) and 131(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (R. 50(1) EPC).

**Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Art. 94(4) EPC).**



Del Chiaro, Silvia  
Primary Examiner  
for the Examining Division

Enclosure(s): 4 page/s reasons (Form 2906)

The examination is being carried out on the **following application documents**:

**Description, Pages**

1, 2, 4-22, 24 as originally filed

3, 3a, 3b, 23 received on 15.06.2007 with letter of 15.06.2007

**Claims, Numbers**

1-20 received on 15.06.2007 with letter of 15.06.2007

**Drawings, Sheets**

1/7-7/7 as originally filed

**1 Documents**

1.1 Reference is made to the following documents cited in the search report:

D1: US-A-6 055 369 (SAWAHATA ET AL) 25 April 2000

D2: US-B1-6 407 758 (USAMI TETSUYUKI ET AL) 18 June 2002

D3: US-A-5 812 135 (KOTCHEY ET AL) 22 September 1998

D4: US-A-5 911 145 (ARORA ET AL) 8 June 1999

D5: EP-A-0 727 740 (NCR INTERNATIONAL, INC) 21 August 1996

D6: US 2001/029506 A1 (LEE ALISON ET AL) 11 October 2001

D7: US-A-5 926 180 (SHIMAMURA ET AL) 20 July 1999

1.2 The following document (D) is cited by the examiner (see the Guidelines, C-VI, 8.3).  
A copy of the document is annexed to the communication and the numbering will be  
adhered to in the rest of the procedure:

D8: US-A-5 961 610 (KELLY ET AL) 5 October 1999

**2 Amendments**

- 2.1 The amendments filed with the set of claims accompanying the letter dated 15 June 2007 are considered as overcoming the objection according to Article 54(1), (2) raised in paragraph 3 of the first communication.  
However regarding amended claim 1 the following objections concerning clarity and inventive activity can be raised (Article 56 EPC).

### **3 Clarity of claim 1, Article 84 EPC**

- 3.1 The expression "collision between a parent node... and a leaf node" as used in claim 1 is vague and unclear and leaves the reader in doubt as to the meaning of the technical feature to which it refers, thereby rendering the definition of the subject-matter of said claim unclear (Article 84 EPC). Considering said expression in the light of the description, as in paragraph 69, the following objection regarding inventive activity can be raised:

### **4 Inventiveness of claim 1, Article 56 EPC**

- 4.1 Document D1, which is considered to represent the closest prior art for the subject matter of claim 1, discloses (the references in parentheses applying to this document):  
A method for representing HMI user screens comprising the activities of: obtaining an organization and a hierarchy of a collection comprising a plurality of HMI screen nodes (column 2, lines 10-65; column 5, lines 18-30), each of the plurality of HME screen nodes providing a visual representation of a corresponding visual display of human machine interface adapted to interpret communications from a human operator (the node in the hierarchy are nodes representing GUI screen which are known to be adapted to interpret communication from a human operator or user); determining an arrangement of the collection (column 5, lines 51-60: add nodes or change the tree in any way); and rendering the collection according to the arrangement (column 4, lines 39-59).
- 4.2 The method defined in independent claim 1 differs from that disclosed in D1 in that:
- the user interface is for an automated machine controller,
  - responsive to a detected collision between a parent node of said hierarchy of said collection and a leaf node of the parent node, adjusting a position of said parent node.

- the first differentiating feature follows under the general knowledge of the person skilled in the art since it is known that there are user interfaces for automated machine controller, furthermore the nature of the displayed or inputted data in the user interface does not produce any technical effect.
- To the second differentiating feature cannot be recognised any technical effect in that it constitutes only the visual adjustment of a node in a graph or tree view (hierarchy) when a visual overlapping of the node is revealed. The overlapping is not promoted by any technical interaction or condition but just by the fact that the visual representation is not adhering to certain aesthetic canons. Hence said feature is not technical and as not technical it does not allow to individuate a technical problem. In summary the subject matter of claim 1 relates to a way in which the tree (arrangement) is rendered (presented), these activities follow under the concept of presentation of information and thus cannot contribute to the technical character of the invention within the meaning of Article 52(1) EPC. In this case a specific manner of representation is concerned being this manner conceived exclusively with regard to a human being's mental capabilities and with a view to aiding the user to visually better interpret the arrangement (tree). The representation (correct the collision) does not relate to any technical format or structure of the information processed, not it is linked to the internal functioning of the system. Features of a claim making any contribution to the technical character of an invention cannot support the presence of inventive step, it follows that the subject matter of claim 1 lacks an inventive step according to Article 56 EPC.

## **5 Further comments regarding the inventive activity of claim 1, Article 56 EPC**

- 5.1 Even if the Applicant could provide a valid argumentation to overcome the above objection the following further objection could be raised regarding the inventive activity of claim 1:

The differentiating features of the present invention constitute only the adjusting of the position of a node in a graph when the node position is overlapping (colliding) with another node. This feature is commonly known from every system dealing with the placing of graphical components (elements as the nodes of the graph representation of the present application), see for instance document D8 which discloses a graphical representation of data which could also be related to a graphical screen (images) in which when an overlapping of an element in the graphical representation (here called a cell) is detected an automatic correction is

executed (see column 14, line 20 to column 15, line 49; figure 9). Therefore, no inventive activity can be recognised to the subject matter of claim 1.

The same considerations as in points 4 and 5 apply to claims 19 and 20 *mutatis mutandis*.

## 6 Conclusion

- 6.1 The examining division cannot see which part of the application could serve as a basis for a new, allowable claim, refusal of the application under Article 97(2) EPC is therefore to be expected.

The examining division considers that the case has been clarified to an extent that a decision could be reached now **without oral proceedings**.

- 6.2 Considering that the EPO aims in the interest of the public to bring the proceeding to a conclusion as soon as possible, and to avoid unnecessary costs, the Applicant is invited to **declare**, within the given time limit, **whether** in view of the provisional conclusion put forward hereinbefore, the **request for oral proceedings** is **maintained**.

- 6.3 The Applicant's attention is also drawn to the possibility of requesting a **decision according to the state of the file**, in which case no further amendments or arguments should be submitted. A decision according to the state of the file is open to appeal.